

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE**

CHASE BANK USA, N. A.
Plaintiff

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Civil Case No. 3-11-1065

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Judge William J. Haynes, Jr.

vs.

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DANIEL SMITH
Defendant

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DEFENDANT DANIEL SMITH'S MOTION TO DISMISS

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Daniel Smith, pro se, hereby moves to dismiss Plaintiff's claims against him with prejudice for failure to allege the existence of any controversy that would entitle Chase Bank USA, N. A. to declaratory relief.

In support of this motion, Defendant relies upon the memorandum filed concurrently herewith.

Respectfully submitted December 5, 2011



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CERTIFICATE OF SERVICE

This will serve to certify that a true and correct copy of **DEFENDANT DANIEL SMITH'S MOTION TO DISMISS** has been served upon the following via US Mail and email on December 5, 2011:

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